

**RUMSON PLANNING BOARD  
REGULAR MEETING  
JUNE 4, 2007  
MINUTES**

Chairman Parton called the meeting to order at 7:30 p.m. with the Pledge of Allegiance. The requirements of the Open Public Meetings Act were stated as met. The roll was called, with the following members present: Parton, Rubin, Shanley, York, Casazza, Vaughan, Emery, Ekdahl, Hewitt. Also present: Bernard Blum (T&M Assoc.), Bonnie Heard (T&M Assoc.), Michael Steib (Board Attorney), Joan Doyle (for Fred Andre, Zoning Officer), Karen St. George (State Shorthand).

**Approval of Minutes**

Mr. Emery moved to approve the minutes from the May meeting, and Mr. Vaughan seconded. Voice Vote: Ayes, unanimous.

**Sea Bright Lawn Tennis & Cricket Club, 5 Tennis Court Lane**

Chairman Parton reported that all members present this evening were eligible to vote on this application; however, Mr. Vaughan will not sit in on this application, due to a possible conflict of interest.

Mr. Arthur Sorenson, attorney, appeared again on behalf of the applicant. Mr. Steib noted that a number of exhibits have been received since the last hearing:

- A-10 – Report from T&M Assoc. dated 5/1/07;
- A-11 – Architectural elevation and floor plan, dated 4/23/07;
- A-12 – Report from T&M Assoc. dated 5/30/07;
- A-13 – Revised architectural floor plan and elevations, dated 5/24/07;
- A-14 – Landscape plan prepared by Tom Santry, Jr., dated 4/13/07 and revised 5/23/07;
- A-15 – Preliminary and final site plan, dated 2/16/07 and revised 4/27/07;
- A-16 – Aerial photo of the property and surrounding areas;
- A-17 – Photo of caretaker's house taken from the church property;
- A-18 – Photo with view from on top of the club house looking towards the church.

Mr. Sorenson confirmed that they have submitted the plans noted by Mr. Steib in good faith in an attempt to meet all the suggestions of the Board expressed at previous meetings. The building has been reduced in height (now 27'7"). The second floor has been reduced in size (one less bedroom). The setback of the existing building on the east side is currently 1'7", and the setback on the south side is currently 5'. The entire structure will be moved so that the setbacks will now be 20' on the south side and 15' on the east side. They cannot move it any farther away from the church without disturbing important trees, etc. The landscape plan calls for doubling up the existing arborvitaes on their side of the boundary line. Mr. Sorenson reported that he spoke to Father Manning from Holy Cross Church, and he expressed no objection to the plan.

Mr. Sorenson explained the photos (A-16, A-17, and A-18) of the existing property which showed the existing building from an aerial view, including the surrounding properties of the church, nearby homes, and the other parts of the tennis court operation.

Chairman Parton asked if Father Manning had seen the new plan, and Mr. Sorenson said he described the new proposal to him, and Father Manning said he was not worried about the proposal for the house.

Chairman Parton asked about the chain link fence along the boundary line, and Mr. Sorenson said he had another photo of this fence between the house and the arborvitaes on the church side of the line. Between the fence and the arborvitaes is a path used by the soccer players. This fence belongs to the church, but is

maintained by the club, according to Doug Rossback, who was sworn in at this time. They also maintain the hedge near this fence, which is also on the church's property. The photo of the fence was marked A-19.

Mr. Shanley asked how the trees would be affected, if the house were moved to the west to possibly increase the setback. Mr. Sorenson noted several trees, which act as a visual shield of the house from the tennis court. To take the house any farther away from the church would doom the trees. Mr. Shanley also asked about an "L" shaped area that is near the building, and Mr. Sorenson described this area.

The basement was mentioned, and Mr. Sorenson explained why they believed this basement was needed to provide additional storage and a utility area. Putting the utilities in the basement would provide some additional living space; however, the entire house has now been reduced. Mr. Shanley thinks the change on the side of the house is a positive thing, as well as the change in the design for the back of the house. He mentioned the requirement by the Zoning Board for Holy Cross to provide a 25' buffer zone between the properties, and whether it would be advisable for this Board to allow for a 9' buffer zone for the club. Mr. Sorenson stated this is a small application, and they are asking for a landscape plan for an area between a house and a row of arborvitaes that will only be seen by the caretaker. The current landscape plan has now been certified by Tom Santry. This is not a subdivision, and that is why they asked for a waiver of this requirement for a certified landscape planner to do the plan.

The 25' buffer zone was again discussed, with Mr. Sorenson again explaining their plan for additional planting in the area near the house. Ms. Heard questioned their plan to plant right up to the house, and Mr. Sorenson agreed that the buffer landscaping did not go right up to the house. They would propose a double row of plantings on both sides of the property line. He noted a thick green buffer between all the neighbors of the tennis club. Mr. Rossback stated that the problem is that there is nowhere else to move the house.

Chairman Parton noted that there is a lot of lawn space before the trees, and she asked if they couldn't move the house another 5' without compromising the trees. Mr. Rossback stated this could not be done, and he demonstrated their reasons via the site plan provided.

Mayor Ekdahl questioned the square footage of the basement, and Mr. Rossback stated it was mostly for utilities, and they thought the Board approved of the basement at the last meeting. He again reviewed that they have reduced the size of the house by 125 sq. ft. by eliminating one bedroom, and they have made the second floor smaller than the first floor, as suggested. The height was also decreased.

Mr. Emery stated that they are trying to build a single-family home with accessory structure setbacks. The Board noted that it would be impossible to meet the required setbacks for a home in this zone on this property (required setbacks: 124' side yard and 40' rear yard), which are larger than normal due to the increased lot width.

Mr. Hewitt asked about the use of the building if a caretaker did not live in it. Mr. Rossback stated there has been a caretaker in this house for two generations, and it is not uncommon to provide a caretaker's residence for this type of club.

Chairman Parton still feels the question is whether they need to have a house this big. Mr. Sorenson stated that this is the size they need to provide, and he reviewed that the existing house has a serious mold condition. They could gut the existing house and rebuild it; however, it would still be very close to the

church property, and they are proposing a better design with additional setback areas. Their proposed house is similar to what currently exists.

Councilman Rubin thinks the applicant has made a good-faith effort to meet the requests of the Board, and this plan is better than what is there now. He thinks it is acceptable.

Mr. York asked if they could bring the size down to the 1,400 sq. ft. that would be allowed for an accessory structure in this zone. Mr. Sorenson stated this could not be done. It was noted that the existing house is 2,800 sq. ft. Mr. Rossback confirmed that the proposed house is 2,443 sq. ft., which includes the porches and garage (1,978 sq. ft. of living space).

Mr. Casazza thinks the setbacks and aesthetics have been improved. He still has a problem with the height, but he thinks, overall, this plan is a great improvement of what they have seen.

Mr. Hewitt questioned the attic access and whether they could drop the roof line. Mr. Rossback stated their architect was aware of the height issue, and he reworked the plan the best that he could.

Mayor Ekdahl thinks this proposal would be better than rebuilding the house.

Chairman Parton reviewed the comments of the Board, which still included problems with the height and buffer. The 3' proposed height for the additional arborvitaes also might not be sufficient. She noted that the Board has said this plan is better, but still not where the Board would want it to be.

Mr. Sorenson and Mr. Rossback both said that if this plan is not approved, they will renovate the existing house on the property. Mr. Sorenson reviewed they have significantly reduced the size, height, and increased and improved the set backs and buffer, and the church does not object to the plan.

Mr. Shanley questioned the buffer zone, as pertains to the 25' required to be provided by the church. Councilman Rubin thinks each application has to be considered on its own merit. He thinks if the Board denies this plan they will rebuild what is there, and the town would be losing the improved setbacks, landscaping, etc. He does not think it is a perfect application, but they are not setting any precedent for the church or anyone else. Mr. Shanley thinks this may serve to treat neighbors differently regarding buffer zones. He agrees that the plan is better, but he thinks there is a thin line as to how they are treating the different neighbors.

Mayor Ekdahl noted they are getting a concession with this application, which they did not get with the Holy Cross plan. The impact of the Holy Cross plan was far greater than this plan. He thinks this Board can justify treating the application differently, because they are getting "give back" from the club.

Chairman Parton again asked if they could move the house over another 5' and not harm the trees. Ms. Heard thinks this would put the house very close to the tree line and could possibly damage the trees. Mr. Rossback confirmed that they consulted with an expert on this issue, and staying within the current proposed setback would save the trees.

Mr. Hewitt agrees that a strong effort has been made to make it a more attractive building.

Ms. Heard suggested they can require that the proposed buffer be taller than what they are proposing. There were no other questions or comments from the public. Mr. Steib commented that Mr. Shanley's concerns are legitimate. He advised that there are cases where preexisting nonconforming conditions

occur on a property and an application that reduces these nonconformities while also adding to the aesthetics were recognized as positive criteria for granting variances. Negative criteria still need to be considered, but they need to weigh whether the positive outweigh the negative.

Chairman Parton agrees that the plan is more positive than negative because of the improvement over the existing condition. She would like to see taller trees provided and also a condition of approval should be that the house not be available for rental purposes, but only used for a caretaker or other employee of the tennis club. Mr. Rossback stated they would not be using it as a rental property, but only for club activities, if it happens that no one is living in the house. Mr. Steib suggested the Board consider the application that is before them. If anything different is proposed in the future, they would need to go through the appropriate zoning measures.

Mr. Casazza moved to approve the application, and Mr. York seconded.

Roll Call Vote: Ayes – Parton, Rubin, Emery, Casazza, Hewitt, York, Ekdahl, Shanley

Nays – None

Motion carried.

Mr. Vaughan rejoined the meeting at this time.

### **Other Business**

Chairman Parton reported on an application regarding a property on Wardell Ave. as it pertained to public access to the water. Mayor and Council has passed a resolution approving a donation to the Rumson Endowment Fund for improvements to the municipal boat ramp as a requirement of the DEP permit, in lieu of granting public access to the water from these properties. Mayor Ekdahl noted other similar actions that Mayor and Council have considered. Ms. Heard stated that the DEP is looking to provide public access to the water either on private properties or alternative access areas.

The Board received correspondence regarding the revision request by Michelle Donato on the Master Plan, although this is not on the agenda tonight. Mr. Steib reviewed that Ms. Donato has provided information from the county regarding historic documents on the Barley Point area. The county is not interested in historic archeological sites. Their focus is on architectural structures. Ms. Donato's letter noted that she misspoke when she cited the Monmouth County documents in this matter; however, she still feels the area has archeological significance, and the Board should include either the entire area or the Tredwell area as an historic landmark of architectural and archeological interest in its Master Plan. Mr. Steib thinks she will be looking for a response expressing agreement or disagreement. Mr. Emery thinks if there is no precedent for archeological sites being used to restrict development, the Board should not set any. It was noted that the county map deals with structures, as does the Rumson Master Plan.

### **Courses for Municipal Boards**

Mr. Steib advised that this is still under review, but may take place in the fall.

There being no further business, motion was made and seconded to adjourn. Voice Vote: Ayes, unanimous. The meeting was adjourned at 8:40 p.m.

The next meeting: **July 2, 2007.**

Respectfully submitted,

Patricia Murphy